

REMARKS

In the Office Action, the Examiner rejected claims 1-10 and 12-14 under 35 USC 102(b) as anticipated by Wilson (US 2,771,937). Claims 8-10 and 15-20 were rejected under 35 USC 103(a) as obvious over Wilson in view of Wagner et al. (US 6,070,367), and what appears to be in view of what the Examiner considered to be an obvious method step of setting up a device. Claim 11 was objected to as being dependent upon a rejected base claim, but was deemed allowable if rewritten in independent form to include the limitations of the base claim and any intervening claims.

Applicant respectfully submits that the Examiner is reading the Wilson reference in a manner that is inconsistent with the actual structure disclosed and discussed in Wilson, and in a manner which does not retain consistency when speaking of particular components. These errors also ignore the substantial differences presented in the present invention as discussed herein. Nevertheless, Applicant amends claim 1 herein, to still further distinguish over the apparent interpretation that the Examiner is giving to Wilson and to advance this prosecution.

With respect to Wilson, the Examiner has identified a first platform 2 and a second platform panel 3, which correspond to the two table tops. The Examiner identifies a deck 10, but reference numeral 10 is associated with a base which is part of supporting structure 9 (col. 2, lines 24-26). Also, contrary to the Examiner's statement, the first platform panel 2 is not pivotably connected to the second platform panel 3 at 29. Rather, for each table top 2 or 3, the pivotable connection at 29 joins an upright leg 28 of a supporting member 27 to the longitudinal frame member 6 under the respective table top, to allow the leg to pivot down for use and be folded parallel to the table top when stored (col. 2, line 59 – col. 3, line 8; see also Figs. 10-11). Moreover, the second platform panel (identified by the Examiner as platform panel 3) is not further pivotably connected to a base assembly at 62. Neither panel 2 or 3 is pivotably connected

to a base at 62, but rather 62 is an upstanding end of a hanger member 61 for a bench seat 60, which is hinged to a table top by a hinge pin 67 (col. 4, lines 30-51; see also Figs. 2, 8 and 9).

The Examiner also has not tracked the limitations of claim 1 properly in stating, “wherein when the first and second platform panels are in a position for use substantially parallel to a ground surface (see fig. 2) the second platform panel supported [sic] by a plurality of engaging support [sic] and by the second platform panel. . . .” The limitation actually requires that the second platform panel be supported by a plurality of ground engaging supports and the first platform panel be supported by at least one ground engaging support and by the second platform panel. In Wilson, both table tops 2 and 3 are supported at one end by a respective ground engaging number 27 and at the other end by a complicated series of links (seen in Fig. 3 of Wilson as angular member 49, upright member 13 and horizontal control link 41) each of which are joined to the base. However, in the much simpler and refined present invention, the first platform panel is pivotally connected to the second platform panel, and then the second platform panel is pivotally connected to the base. This simplicity significantly reduces the number of potential pinch points, improving safety.

Similarly, the Examiner has incorrectly attributed to Wilson the ability to meet the claim limitation in claim 1 which requires the upper surface of each of the first and second platforms to face one another when in the storage position, substantially perpendicular to the ground surface. Indeed, the top of table tops 2 and 3 face away from each other in the storage position, as will be appreciated in viewing Wilson Figs. 2, 6 and 10. It appears, that the Examiner may not have consistently referenced structures in Wilson, and may have been looking to rely on a table top 2 and a bench 60 of Wilson to meet the limitation that the first and second platform panels face one another when stored. However, this inconsistent application of components to try and meet the claim limitations is inappropriate.

Nevertheless, the Amendment to claim 1 is made to further distinguish over any attempt the Examiner may have been making to find Applicant's invention, by referencing in Wilson a table top 2 (or 3) and a bench 60. Given the further amendment to claim 1 to now include that the first and second platform panels are substantially coplanar and parallel when in a position for use, Wilson cannot anticipate or suggest such structure with its table top 2 (or 3) and a bench 60, which clearly would not meet the limitation associated with the panels being substantially coplanar and parallel when in a position for use.

Applicant wishes to note that with independent claim 1 in patentable form, claims 2-14, which depend therefrom also are patentable. In addition, Applicant notes that contrary to the Examiner's statements, the lock member 33 of Wilson does not satisfy the limitation requiring a panel restraint in claims 3-7. Indeed, lock member 33 of Wilson does not lock a platform panel in an upright position (as in claim 3), but rather is used to lock the support member 27 with its legs 28 in either a position of use perpendicular to the panel 2 (as seen in Fig. 11, and in Fig. 10 in solid lines) or in a storage position parallel to panel 2 (as seen in Fig. 10 in dashed lines), and as described in detail at col. 3, lines 4-32, and at col. 4, line 70, col. 5, line 9). Thus, lever 33 of Wilson does not address any of the limitations of claims 3-7 with respect to the present invention.

Further, while lever 33 of Wilson is not a lock for holding a panel in an upright storage position, it also is not a stop to assist in holding the second panel upright after the first panel has been pivoted to a position parallel to the ground. Thus, the Examiner's reference to a "lock stop 33" with respect to pending claims 12-14, is erroneous.

Having distinguished over Wilson, in light of the obviousness rejections, Applicant wishes to reiterate distinguishing features with respect to Wagner, which were mentioned in the prior Amendment dated February 2, 2005. First, Wagner has a scissor bracing structure by

which the panels must move simultaneously from a storage to a use position (Wagner Figs. 1-5). This is unlike the present invention, which permits the first platform panel to be pivoted toward the ground while the second platform panel remains in a storage position, substantially perpendicular to the ground. Second, the Examiner has identified a first restraint 38 in an attempt to find a similar structure to the claimed first platform panel restraint of the present invention. However, first restraint 38 does not lock the panels in the storage position like the first platform panel restraint of the present invention. Rather, first restraint 38 locks the panels in the unfolded, use position (Wagner col. 4, lines 24-29; and Figs. 2 and 3). Third, the Examiner has identified second restraint 34, apparently in an attempt to find structure comparable to the claimed second platform panel restraint of the present invention. However, second restraint 34 does not keep the second platform panel upright in a storage position while the first platform panel is upright in the storage position as does the second platform panel restraint of the invention. Rather, second restraint 34 locks entirely separate bridging panels on top of the first or second platform panels for added capacity when storing bridging panels (Wagner col. 3, lines 46-47; and Fig. 1).

Wagner teaches a substantially different device from the present invention, which is easily seen when looking at Wagner in its various positions (shown in Figs. 2, 3 and 5). With Wagner, neither platform panel could stand upright in the storage position while the other panel has been pivoted toward a use position. Also, neither platform panel can stand by itself on its own legs, as the two platform panels are integrally tied together to share the two legs of each panel so as to simultaneously pivot toward the ground and create a four-legged base (Wagner Figs. 5 and 2). Furthermore, Wagner is more cumbersome for an operator to set up, because both panels must move simultaneously, and the scissored cross-bracing presents more potential pinching hazards. Moreover, because of this type of structure, Wagner employs additional

hardware such as torsion bars to prevent the assembly from slamming when folded or unfolded (Wagner col. 2, lines 51-61).

It is important to note that with the claimed invention, each of the first and second platform panels has an upper surface and a lower surface, and when the platform panels are in the use position substantially parallel to the ground, the upper surface of each platform panel faces upward, while when the platform panels are pivoted to a storage position substantially perpendicular to the ground, the upper surfaces of the platform panels face one another. This is not true of Wilson, just as it is not true of Wagner. In both prior art devices, when the platform panels are pivoted to a storage position, the lower surfaces of the platform panels face one another (Wilson col. 4, line 70 – col. 5, line 19; and Figs. 2, 6 and 10; Wagner abstract; col. 2, lines 9-12; and Figs. 1 and 3).

For the above reasons, contrary to the Examiner's statements with regard to the obviousness objection of claims 8-10 and 15-20, neither Wilson nor Wagner teaches the claimed invention, nor is there a suggestion to combine these references or any indication that such combination would indeed teach the subject matter of claims 8-10 or 15-20, or any of the claims. Given that claims 8-10 depend from patentability independent claim 1, and add further limitations thereto, claims 8-10 also are patentable.

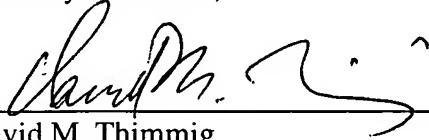
Claim 15 is a method claim which was previously amended to correspond to the previous amendments to claim 1 where each platform panel has an upper surface and a lower surface, and wherein when the platform panels are in a storage position substantially parallel to the ground, the respective upper surfaces of the platform panels face one another, and wherein when the platform panels are in a use position substantially parallel to the ground, the respective upper surfaces of the platform panels face upward. However, claim 15 does not need further amendment, because Wilson does not teach or suggest this aspect of the claim when referring to

the table tops 2 and 3, and even if the Examiner attempts to use a table top 2 (or 3) and a bench 60 as the two platform panels, such structure still would not meet claim 15. Notably, claim 15 includes that the second platform panel remains in the storage position (which is defined in the claim as being substantially perpendicular to the ground) when the first platform panel is pivoted to a position at an acute angle or parallel to the ground surface. If the Examiner is attempting to use a table top and a bench to meet the limitations for the two platform panels, then such would fail, because with Wilson, when the table top is pivoted to a position parallel to the ground surface, the bench also is moved to a position parallel to the ground surface, and is not in a storage position perpendicular to the ground surface.

In light of the patentability of independent claims 1 and 15, it is submitted that dependent claims 2-14 and 16-20, which depend respectively therefrom and add further limitations thereto, also are patentable. Accordingly, in light of the above amendments and remarks, Applicant believes that this application and all of its pending claims 1-20 are in condition for allowance.

No new matter is added by the amendments herein. The application still contains 20 claims, of which 2 are independent claims, and therefore, it is believed that no additional fee is due with this Amendment. If the Examiner determines that there are any additional fees due in connection with the filing of this response, please charge the fees (or credit any overpayment) to our Deposit Account No. 13-0019.

Respectfully submitted,

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